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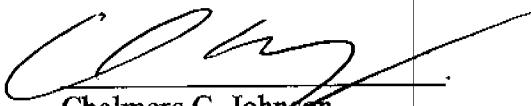
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

JUN 28 2002

LARRY W. PROPES, CLERK
CHARLESTON, SC

SABINE CAREY,) C.A. 2:01-2612-1867
vs.)
Plaintiff,)
vs.)
Defendant Shelby Simmons'
BASS HOTELS AND RESORTS,) Plaintiff's Response to Defendant's
INC. d/b/a HOLIDAY INN) Motion for Summary Judgment, and
EXPRESS HOTELS AND SUITES,) In support of the Defendant's Reply
SHELBY SIMMONS, HOLIDAY)
INNS FRANCHISING, INC., ABC)
HOSPITALITY, LLC, AND MILEN)
ENTERPRISES, INC.)
vs.)
Defendant.)
vs.

Shelby Simmons hereby files an affidavit in reply to the Plaintiff's Response to the Defendant's Motion for Summary Judgment. This Affidavit was filed one day after the Reply because Ms. Simmons was out of town due to a death in her family and was not able return to Charleston prior to June 27, 2002. A copy of this Affidavit has been served on all parties via mail, sent June 28, 2002.


Chalmers C. Johnson
Federal I.D. # 6760
Attorney for Shelby Simmons
39 Broad Street, Suite 203
Charleston, SC 29401
(843) 723-8288

Date 6-27-02

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STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

AFFIDAVIT OF SHELBY S. SIMMONS

PERSONALLY appeared before me, Shelby S. Simmons, who after being duly sworn, states as follows:

1. I am over the age of 18 years and am competent to testify to the matters stated herein on personal knowledge.

2. I have been married for 12 years to Jerome Simmons

3. My husband and I have 3 children, aged 16, 13, and 10 and 8 years ~~of age~~

4. My family and I attend Shiloh SDA church.

5. As I stated on page 23 of my deposition in this matter (attached hereto), I am neither homosexual nor bisexual, nor have I ever had any sexual attraction to the Plaintiff or any other woman for that matter.

6. Frankly, I am surprised and offended by Plaintiff's assertion in her memo that I am a homosexual; she never stated such an opinion during her deposition on March 13, 2002, which I attended.

7. Plaintiff's allegation that I am a homosexual is defamatory and extremely upsetting and distressing to me.

FURTHER AFFIANT SAYETH NOT.

Shelby Simmons
Shelby S. Simmons

SWORN and subscribed to before me
this 27th day of June, 2002.

Clay (L.S.)
Notary Public for South Carolina
My commission expires: 2007

SHELBY SIMMONS - EX. BY MR. MURRELL

1 A. No.

2 Q. And you wouldn't be shocked if Niyokia
3 Guisburg said you said the room smelled like a
4 vagina? That wouldn't shock you either?

5 A. No.

6 Q. Okay. Are you bisexual, Ms. Simmons?

7 A. No, I'm not.

8 Q. Are you attracted to women?

9 A. No, I'm not.

10 Q. Have you ever had a sexual relationship
11 with a woman?

12 A. No, I didn't.

13 Q. Have you ever touched a man or a woman in
14 a sexual way that you were not in a relationship
15 with?

16 MS. HORNE: Object to the form.

17 THE WITNESS: No, I didn't.

18 BY MR. MURRELL:

19 Q. My question is: Have you ever touched a
20 man or a woman in a sexual way and you're not -- you
21 were not engaged in a relationship with that person?

22 MR. JOHNSON: Objection.

23 BY MR. MURRELL:

24 Q. Has that ever occurred?

25 MR. JOHNSON: Object to the form.

A. WILLIAM ROBERTS, JR., & ASSOCIATES